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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,999	06/14/2000	Ronald Scot Young	3011-1030	8206

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EXAMINER

CHIN, RANDALL E

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,999

Applicant(s)

YOUNG, RONALD SCOT

Examiner

Randall Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 16-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Morganstern 1,505,707 (hereinafter Morganstern '707).

The patent to Morganstern '707 discloses a "yarn substitute" as shown in Fig. 1 comprising an outer layer 9 of "inexpensive waste material" folded onto itself (Figs. 2 and 3; p. 1, lines 70-72) to form an exterior-facing upper outer layer 9 and an exteriorly-facing lower outer layer 9, and an inner layer of "inexpensive waste material" 10 between said exteriorly-facing upper and lower outer layers, said inner layer and said exteriorly-facing upper and lower outer layers being connected together (at stitching 14 in Fig. 3) along substantially an entire length of a "substantially central portion" (here, "a substantially central portion" could merely be the imaginary plane which includes both stitched areas at 14 or that simply bisects the device in Figs. 2 or 3; also "a substantially central portion" here is never positively recited) of the inner and outer layers by a connection 14 (Fig. 3) extending through both exteriorly-facing outer layers and the inner layer to maintain the inner layer between the exteriorly-facing upper and lower outer layers and to prevent or limit movement of the inner layer relative to the exteriorly-

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facing outer layers. It should be noted that the recitations "inexpensive waste material" (lines 2 and 5) are of no patentable moment in this particular instance and are deemed merely broad, relative expressions.

As for claim 24, the inner layer 10 is between the exteriorly-facing upper and lower outer layers 9, 9 along substantially an entire length of the exteriorly-facing outer layers 9, 9.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstern '707 in view of EPA 0 638 277 (hereinafter EPA '277).

As for claim 14, Morganstern '707 teaches an elongate "ribbon" as shown in Fig. 1 comprising a strip of absorbent outer fabric at least folded over itself longitudinally (p. 1, lines 70-72; Figs. 2 and 3) to form exteriorly-facing upper and lower outer fabric layers 9, 9, and an inner filling 10 formed from "waste" materials and being between the exteriorly-facing upper and lower outer fabric layers to form a composite or sandwich structure, the exteriorly-facing upper and lower outer fabric layers (p. 2, lines 25-26) and inner filling being connected together along substantially an entirety of "a substantially central portion" (here, "a substantially central portion" could merely be the imaginary

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plane which includes both stitched areas at 14 or that simply bisects the device in Figs. 2 or 3; also "a substantially central portion" here is never positively recited) of the inner filling and the exteriorly-facing upper and lower outer fabric layers by a connection 14 extending through the exteriorly-facing upper and lower outer fabric layers and inner filling to maintain the inner filling 10 between the exteriorly-facing upper and lower outer fabric layers 9, 9 and to prevent or limit movement of the inner filling relative to the exteriorly-facing upper and lower outer fabric layers. It should be noted that the recitation "waste" (line 5) is of no patentable moment in this particular instance and is deemed merely a broad, relative expression. The patent to Morganstern '707 discloses all of the recited subject matter as set forth above with the exception the outer material being non-woven and the inner filling also being non-woven as well as absorbent. EPA '277 discloses in Fig. 2 an "elongate ribbon" comprising outer non-woven material 14 (col. 2, lines 8-19) around a core or inner filling 12 also made from non-woven, absorbent material (col. 2, lines 3-8). It would have been obvious to one of ordinary skill in the art to have modified the Morganstern '707 "ribbon" such that the outer material is non-woven and the inner filling is also non-woven and absorbent as taught by EPA '277 for the purpose of rendering the product readily disposable and since such non-woven materials are widely known and used in the art.

Note, no patentable significance will be give to the mere recitation of an elongate "ribbon" which has only been recited in the preamble, and particularly in view of the fact that all of the structural limitations in the body of the claim have been met.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams 1,713,065 (hereinafter Williams '065) in view of EPA '277.

The patent to Williams '065 discloses an elongate "ribbon" (Fig. 1) comprising exteriorly-facing outer strips of fabric 2, 2, an inner filling 1 (Fig. 2) formed from "waste" and being layered between said exteriorly-facing outer strips to form a composite or sandwich structure (Fig. 2), said exteriorly-facing outer strips and said inner filling being bound together by a connection 4 (Fig. 2) extending through the outer strips and inner filling along substantially an entirety of "a substantially central portion" (here, "a substantially central portion" could merely be the imaginary plane which includes both stitched areas at 4 in Fig. 2 or that simply bisects the device; also "a substantially central portion" here is never positively recited) of the inner filling and the exteriorly-facing outer strips (i.e., along the edges) to maintain the inner filling between the outer strips and prevent or limit movement of the inner filling relative to the exteriorly-facing outer strips. It should be noted that the recitation "waste" (line 3) is of no patentable moment in this particular instance and is deemed merely a broad, relative expression. The patent to Williams '065 discloses all of the recited subject matter as set forth above with the exception the outer material being non-woven and the inner filling also being non-woven. EPA '277 discloses an "elongate ribbon" comprising outer non-woven material around inner filling also made from non-woven material (col. 1, line 54 to col. 2, line 12). It would have been obvious to one of ordinary skill in the art to have modified the Williams '065 ribbon such that the outer material is non-woven and the inner filling is

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also non-woven as taught by EPA '277 for the purpose of rendering the product readily disposable and since such non-woven materials are widely known and used in the art.

Note, no patentable significance will be give to the mere recitation of an elongate "ribbon" which has only been recited in the preamble, and particularly in view of the fact that all of the structural limitations in the body of the claim have been met.

Conclusion

6. Applicant's arguments with respect to claims 13-15 and 24 have been considered but are moot in view of the new ground(s) of rejection based upon Williams '065, Morganstern '707 and EPA '277 as set forth above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

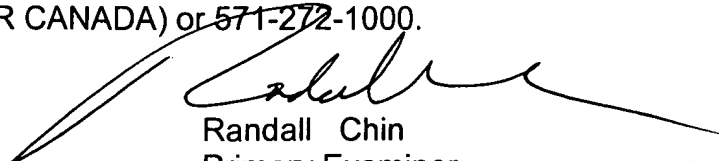
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Randall Chin
Primary Examiner
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